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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/147,094	10/27/1998	AKIHIKO YAMASHITA	P-7355-8002	1236

7590                    06/17/2002

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EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. <b>09/147,094</b>	Applicant(s) <b>Yamashita et al.</b>
	Examiner <b>Wesner Sajous</b>	Art Unit <b>2672</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED May 28, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**THE PERIOD FOR REPLY [check only a) or b)]**

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search. (See NOTE below);
  - (b)  they raise the issue of new matter. (See NOTE below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

4.  Applicant's reply has overcome the following rejection(s):
   
\_\_\_\_\_  
\_\_\_\_\_
5.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6.  The a)  affidavit, b)  exhibit, or c)  request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   
\_\_\_\_\_
7.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8.  For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
   
Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-9 and 11-13
9.  The proposed drawing correction filed on \_\_\_\_\_ a)  has b)  has not been approved by the Examiner.
10.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 
11.  Other: see attached.

**MATTHEW LUU**  
**PRIMARY EXAMINER**

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## DETAILED ACTION

### Remarks

This action is responsive to the communication filed on March 28, 2002. By this communication, claims 1-9, and 11-13 are presented for examination.

### *Response to Arguments*

1. Applicant's arguments filed 5-28-02 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the means as defined by the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. For, subject matter recited in the claims only is the measure of invention. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regard to claims 1-9, 11-13, particularly the limitations of claim 1 with respect to the Lett reference, it is noted that the claimed limitations were treated as broadly as were presented for examination. The pointed illustration of fig. 6 as the equivalence to the recited claim limitations is to denote the Examiner broad interpretation of the claimed feature, and separate from the Applicants interpretations of the limitation, as described in page 2 of the response. From that illustration, it is deciphered that the user selection of the PPV program "Terminator 2" when

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highlighted, fall within the time period of 8:00-9:30. This highlighted selection is noted to be distinguished between other time periods of other programming. Thus, Applicants' argument is not persuasive. The rejections are maintained

### **Conclusion**

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 872-9314, (for technology center 2600 only)

**Or:**

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308- 5857**. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713. The fax phone number for this group is (703) 308-6606.

Wesner Sajous - WOS  
\_\_\_\_\_  
Patent Examiner, art unit 2672

June 14, 2002



MATTHEW LUU  
PRIMARY EXAMINER